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August 12th, 2021

Magistrate Judge Stewart D. Aaron
Southern District of New York
Daniel Patrick Moynihan
United States District Court
500 Pearl Street - Courtroom 11C
New York, New York 10007

Re: Antolini vs. McCloskey, et al
Case No.: 1:19-cv-09038-GBD

Dear Judge Aaron,

I am responding to defense counsel's impermissible reply to Plaintiff's filing of August 8, 2021 [Dkt No. 211].

First, defendants were not given leave to file a response to Plaintiff's objection to defendant's request for attorney's fees. As such, their response as it relates to the attorneys' fees issue should be struck and disregarded. In the alternative, Plaintiff should be given leave to file a sur-reply addressing Defendant's incorrect aspersions and total mischaracterizations of the facts and of Plaintiff's letter at Dkt. No. 211.

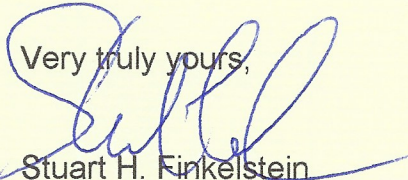
Second, Defendant legitimately asks that this Court dismiss this two-plus year-old action because Plaintiff is only available at the end of the week of August 23, 2021. Plaintiff is aware that this Court ordered dates within the range of August 16 to August 25. Plaintiff even made sure to correct his entry at Dkt. No. 209 with his entry at Dkt. No. 210 to let the Court know that only those three dates work. Moreover, because of Plaintiff's wife's ongoing health situation, Monday and Tuesday would not work. If defendants want to have the same issue as came up for the July 23 date come up again regarding Plaintiff's unavailability due to medical reasons, so be it. But it would not make sense for Plaintiff to propose dates that would not work. As such, the end of the week of the 23rd works and defendants have ample notice of that and are not prejudiced by any of those dates one iota.

Lastly, Plaintiff did specify that the appropriate means and accommodations for Plaintiff's deposition will be via remote zoom technology. Plaintiff's family members will be in town and staying with him inclusive of those three dates and as such, there should not be any issue. Plaintiff stated as such, that the deposition will be conducted via zoom link provided by defendants. Defendant's never-ending desire to make this case about everything but their client's discrimination is still unimaginable. But so it goes. Plaintiff

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apologizes for the Court's time being wasted with this. Nonetheless, Plaintiff thanks the Court for its continued attention to this matter and hopes everyone is staying safe and healthy.

Thanking you in advance, I remain,

Very truly yours,

Stuart H. Finkelstein

To all via ECF